

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION,
DEPARTMENT B
NOTICE OF HEARING DATES AND TIMES
SEPTEMBER AND OCTOBER 2015**

Hearings in cases assigned to Department B in the Fresno Division may be set in accordance with Local Bankruptcy Rules 3007-1 and 9014-1 on the self-set calendar dates listed below. It is not necessary to obtain a date and time from the calendar clerk. However, if you need to set hearings for ten or more matters in a single case or adversary proceeding, please contact Virginia Guajardo at 559-499-5870 to obtain an appropriate hearing date and time. Cases assigned to Department B contain the letter "B" immediately following the case number. The number following the letter "B" designates the Bankruptcy Code chapter under which the case is pending (e.g., Chapter 7, Chapter 13). Hearings in Kern and Inyo County cases should generally be set in Bakersfield, but may be set in Fresno, if necessary, by special order. Hearings in Fresno, Kings, Tulare, Madera, Merced, and Mariposa County cases should be set in Fresno.

The location for Fresno hearings before Judge W. Richard Lee is Department B, Courtroom 12, Fifth Floor, U. S. Courthouse, 2500 Tulare Street, Fresno, California. The location for Bakersfield hearings is U.S. Courthouse, 510 19th Street, Bakersfield, California.

All documents in Fresno and Bakersfield cases must be filed with the Clerk of the Bankruptcy Court in Fresno. The address of the Clerk's office is:

*Clerk, U. S. Bankruptcy Court
United States Courthouse
2500 Tulare Street, Suite 2501
Fresno, CA. 93721-1318*

Questions regarding calendar should be directed to Vicky McKinney, Calendar Clerk, at (559) 499-5825.

Telephonic appearances may be arranged by calling Court Call at (866) 582-6878. Information applicable to telephonic appearances is available under the "Telephonic Appearances" link on the Bankruptcy Court's website at (www.caeb.uscourts.gov). Court Call is not affiliated with the court and use of Court Call for telephonic appearances is a private arrangement with the user. *Please note that persons using the Court Call system do so at their own risk. Hearings will generally not be rescheduled because the litigant or attorney who attempts to appear telephonically could not properly be connected.*

The court generally posts "Pre-Hearing Dispositions" for many matters at least one day before the scheduled calendar on the court's website at www.caeb.uscourts.gov. However, posted pre-disposition hearings may be revised at any time up until 4:00 p.m. the date before the hearing. Please consult the first page of the posted disposition for special instructions relating to all matters that have been pre-disposed. Please check the court's website under "What's New" for any updates.

Revised 7/27/15

PROCEDURE FOR SETTING HEARINGS ON EXPEDITED BASIS
AS REQUIRED BY THE BANKRUPTCY ABUSE PREVENTION AND
CONSUMER PROTECTION ACT OF 2005 (the "BAPCPA")
FRESNO DEPARTMENT B ONLY

The BAPCPA contains a number of provisions which may require an expedited hearing ("Expedited BAPCPA Hearings"). See, *inter alia*, 11 U.S.C. § § 362(c)(3); 362(c)(4); 362(h)(2); 362(l)(2); 362(m); 521(a)(2)(A); 521(a)(6); 521(i)(4); 727(a)(12); 1112(b)(3); 1116(3); 1228(f); 1328(h).

To the extent that an Expedited BAPCPA Hearing is required under any section of the BAPCPA, including those sections set forth above, for which the alternative notice periods required by Local Bankruptcy Rule 9014-1 are not appropriate, the following procedure shall apply in cases assigned to Department B of the Fresno Division:

1. Expedited BAPCPA hearings may be self-set in Department B on no fewer than seven (7) calendar days notice. The caption of each document associated with a motion brought under this procedure shall clearly state "Expedited BAPCPA Motion."
2. Expedited BAPCPA Hearings **in chapter 7 cases shall be held on the regular chapter 7 Law and Motion calendar.** Expedited BAPCPA Hearings **in chapter 13 cases shall be held on the chapter 13 Law and Motion calendar.**
3. If no self-set hearing date is available in Dept. B within the time required by BAPCPA, which allows at least seven (7) calendar days notice, then it will be necessary to seek an order shortening time to have the matter heard on an alternate date and time. See LBR 9014-1(f)(3). An application for order shortening time shall describe the provision of BAPCPA requiring an expedited hearing and the reason why the available self-set dates are not sufficient.
4. Expedited BAPCPA Hearings will be evidentiary hearings, at which witnesses may testify and produce evidence either in support of or opposition to the motion. Any party who wishes to call a witness for live testimony shall notify opposing counsel, identify the proposed witness, and file a Notice of Intent to Present Live Testimony, at least 48 hours before the scheduled hearing. BAPCPA matters requiring live testimony will be trailed to the end of the calendar. Telephonic appearances will not be permitted in Fresno cases and hearings involving live testimony, absent an order on written application. For Bakersfield cases set on a Fresno calendar, telephonic appearances will generally be permitted on written application.
5. If you have any questions regarding the above procedures, please contact the calendar department at 559-499-5825.

DEPARTMENT B - JUDGE W. RICHARD LEE
SEPTEMBER AND OCTOBER 2015

FRESNO MATTERS: *Courtroom 12, Fifth Floor, 2500 Tulare Street, Fresno, California*

Chapter 7. All motions in chapter 7 cases (**except motions in adversary proceedings, summary judgment motions and reaffirmation agreements**) may be set at **10:00 a.m.** on:*

September 3, 10, 24	October 8, 22, 29
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Chapter 7. All reaffirmation agreements in chapter 7 cases may be set at **11:00 a.m.** on:

September 3, 10, 24	October 8, 22, 29
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Chapters 9, 11 & 12. All motions and disclosure and confirmation hearings may be set at **2:30 p.m.** on:

September 3, 10, 24	October 8, 22
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Chapter 13. All chapter 13 motions and confirmation hearings may be set at **1:30 p.m.:**

September 3, 10, 24	October 8, 22, 29
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Motions for Summary Judgment and Motions in Adversary Proceedings. All chapters may be set at **9:00 a.m.** on:*

September 24	October 22
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BAKERSFIELD MATTERS: *U.S. Courthouse, 510 19th Street, Bakersfield, California*

Chapter 7. All motions in chapter 7 cases (**except motions in adversary proceedings, summary judgment motions and reaffirmation agreements**) may be set at **10:00 a.m.** on:*

September 29	N/A
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Chapter 7. All reaffirmation agreements in chapter 7 cases may be set at **11:00 a.m.** on:

September 29	N/A
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Chapters 13. All chapter 13 motions and confirmation hearings may be set at **1:30 p.m.** on:

September 29	N/A
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Motions for Summary Judgment and Motions in Adversary Proceedings: All chapters may be set at **9:00 a.m.** on:*

September 29	N/A
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Chapters 9, 11 & 12. Department B no longer has a self-set calendar in Bakersfield for chapters 9, 11 and 12 matters originating in Kern and Inyo Counties. Hearings will be set in Bakersfield by special setting for cause only. All general chapters 9, 11 and 12 matters should otherwise be self-set for hearing on the Fresno calendar.

*Motions in adversary proceedings should be set for hearing with proper notice with a scheduled status conference in the same adversary proceeding or at the time set forth above. **Do not set for hearing on the chapter 7 law and motion calendar.** The moving party may request an alternative special setting for any summary judgment motion or other lengthy matter. Motions for summary judgment in Bakersfield may be set for hearing on the Fresno summary judgment calendar if all parties agree. Revised 7/27/15